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FM AMEMBASSY ISLAMABAD
TO RUEHC/SECSTATE WASHDC 9059
INFO RUCPDO/DEPT OF COMMERCE WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
RUEHNE/AMEMBASSY NEW DELHI 3825
RUEHLH/AMCONSUL LAHORE 6131
RUEHKP/AMCONSUL KARACHI 0389
RUEHPW/AMCONSUL PESHAWAR 4957
RUEAIIA/CIA WASHDC
RHMFISS/CDR USCENCOM MACDILL AFB FL
RUEKJCS/SECDEF WASHINGTON DC

UNCLAS ISLAMABAD 003131

SENSITIVE
SIPDIS

E.O. 12958: N/A

TAGS: [ECON](#) [ETRD](#) [EFIN](#) [EINV](#) [KIPR](#) [PGOV](#) [PK](#)

SUBJECT: LAW ENFORCEMENT RAIDS ON SUSPECTED IPR VIOLATORS

11. (SBU) Summary: The Federal Investigation Agency (FIA) provided post with documentation of intellectual property right (IPR)-related raids conducted between January 2007 and August 2008. Raids were carried out in several different cities, and about half the raids targeted pirated books. Out of twenty-five cases, so far only two have resulted in convictions, with very low penalties. One case involving a prominent Karachi industrialist resulted in an acquittal. The status of the cases suggests that even if law enforcement is willing, the judiciary is weak on the issue of IPR. End summary.

12. (SBU) In early September, the FIA's Special Crimes Wing shared information with EconOff on anti-piracy raids conducted between January 1, 2007, and August 31, 2008. In that time, 14 raids were conducted, resulting in 25 cases filed. Of the 25 cases, ten were for optical disc piracy, thirteen for book piracy and two for counterfeit consumer products. The raids were carried out in cities throughout Pakistan, including Rawalpindi, Lahore, Karachi, Multan and Faisalabad. As a result 181,145 optical discs, 16 optical disc writers, 4464 cassettes and 42,747 books were included in the contraband seized during the raids. According to FIA sources, the seized materials will be held until a decision is reached in a court, and if the case results in conviction, the materials will be destroyed.

13. (SBU) The legal status of the 25 cases is as follows: two convictions, one acquittal, six in litigation, fourteen under investigation and two cases dismissed due to lack of evidence. For one conviction the penalty was a PKR 5000 (USD 64.62) fine or two months in prison and for the other the penalty was PKR 7000 (USD 90.46) and five months in prison. In the acquitted case, the accused party was M. Zubair Motiwala, a well-known industrialist in Karachi. Motiwala is a former chairman of the Karachi Chamber of Commerce and Industry and the All Pakistan Textile Processing Mills Association. Post's contact at the FIA said he did not know that Motiwala used influence with judges or prosecutors to get an acquittal, but he did say that Motiwala had sufficient means to hire "expensive lawyers" which would have given him an advantage in trial. The FIA contact also said, "For these people [like Motiwala] it is really nothing," and implied that most people do not consider counterfeiting and copyright violation as unethical, let alone criminal.

14. (SBU) Ten of the thirteen book piracy raids were the result of cooperation with Oxford University Press (OUP) and involved OUP publications. FIA shared letters of appreciation from OUP with EconOff. A representative of OUP also told EconOff in May, after the first raids were carried out on behalf of OUP, how satisfied she was with FIA's action.

15. (SBU) Comment: The penalties levied in the two conviction cases demonstrate the lack of seriousness applied to IPR cases in

Pakistan's judiciary system. Neither the fines nor the prison time levied provide any substantial deterrent. The anecdote about Motiwala also suggests that such violations are not taken seriously by at least some of Pakistan's biggest industrialists. Although FIA has been active in raiding suspected offenders, in order for the GOP to be effective on IPR enforcement, prosecutors and the judiciary need to be actively engaged as well. End comment.

PATTERSON